

enemy than any assistance. It is the custom for lessees and not lessors to pay surveyors.

Mr. Birnie submitted that defendant did not engage the plaintiff, and if he had, he had paid him more than was due, for he was dismissed for negligence. He called Mr. J. H. Dew, who said Mr. Chorner, the trustee to the estate, requested him to call upon Mr. Barnett to ask him about the plans. Did so, but never made any agreement with him. If any agreement were made, it must have been as Mr. Chorner's agent, not on his, defendant's, account. Plaintiff's duties were defined by Mr. Chorner, and he, defendant, was to be guided by the surveyor. Would much rather be without a surveyor, for they are in a builder's way. We have a district surveyor, and have to pay him. In 1850, by instructions from Mr. Chorner, I dismissed the plaintiff. It was by letter. The letter stated that Mr. Barnett's services were no longer required. My brother posted the letter. Is prepared to prove that the plaintiff did not survey any of the houses after that letter. Mr. Barnett afterwards called and asked for payment, when he, witness, referred him to Mr. Chorner. Up to this notice there were only thirty-seven houses actually built.

Cross-examined.—Paid plaintiff for the houses for Chorner, the lessor or trustee. Paid with own money.

Mr. Chorner.—I am trustee of Cookson's estate, but have sold the greater portion of it. I recommended the plaintiff as surveyor, to see that the houses were properly built. I saw him before I saw Mr. Dew, and told him I wanted to let the land for building purposes. I do not consider I engaged the plaintiff. I unfortunately advanced several thousand pounds to the builders; and upon going over the estate was very much dissatisfied at the slow progress made, and with the way the houses were built. I spoke to Mr. Dew, who informed me that the plaintiff was very negligent. That he seldom came to see the works. I said, if he is neglecting his duty I will dismiss him; and I directed the defendant to apprise Mr. Barnett that his services were no longer required.

Cross-examined.—Is managing clerk to defendant's solicitors. Knows a Mr. Smith, to his sorrow. Considered Mr. Barnett appointed for the benefit of the freeholders. Is unfortunately a judge of building, and considers the houses run up in a slovenly manner. Old staff was put in.

Plaintiff's solicitor here asked the witness, if the advertisement for the sale of the estate did not describe the houses as well and soundly built.

The Judge.—Oh! that is an every-day occurrence: it is done to gull the public.

John Buck was called to prove that he contracted for the brickwork, and seldom if ever saw the surveyor.

The plaintiff, on being recalled, said either he or his clerk went over the estate every week twice. He had once or twice stopped the work; but on the whole the houses were fairly built.

The Judge said it was clear the lessee, and not the lessor was liable to pay the surveyor, and that the lessor had the power to appoint the surveyor; for if the lessee appointed him, the object of having a surveyor would be stultified. The plaintiff had not, however, clearly made out the number of houses he surveyed previous to the sending of the note, and he should therefore deduct 10*l.* from the amount claimed.—Verdict 22*l.* 5*s.* and costs.

THE MASONS' PROVIDENT INSTITUTION.

THE supporters of the Masons' Provident Institution are organising a public dinner, with the view of making their operations more widely known than they are at present, and of enlisting public sympathy. The masons say truly in their address,—

"When we consider (in many instances) the dangerous nature of our employment, the vicissitudes to which many are subject, and the constant exposure to the inclemencies of the weather, frequently producing infirmities in earlier years, tending to bring on premature old age, it makes more apparent the necessity of establishing a 'Masons' Provident Institution.' With this view, the promoters felt it a bounden duty to embrace the opportunity of carrying such a noble project into effect, and although it has taken a lapse of time to bring their plans into operation, they trust such progression has been made which must insure its ultimate success, if fostered and encouraged by their fellow-workmen, for whom this Institution is more immediately intended."

From employers they have received many handsome donations, but if the workmen themselves came forward as they should, and made the small provident investment required,

they would need no extraneous help, and would render themselves independent of accidents and infirmities. The Society does not interfere with trade arrangements, and wisely seeks to improve the good understanding between masters and men. Mr. Tite, F.R.S. is the president; Mr. W. Freeman, the treasurer. Many of our readers, by the way, will be glad to hear that the former gentleman, after an illness that left little hope to his friends, is now, in the softer air of Italy, fast returning to health.

Although we still look for the establishment of a large and comprehensive Provident Society, embracing all concerned in architecture and building, we offer in the meanwhile our best wishes for the "Masons' Provident Institution," and hope all who feel interested in the prosperity of the workmen will lead their aid on the approaching occasion.

Notices of Books.

The Acts for Promoting the Public Health, 1848 to 1851; to which is added, the Practice of the General and Local Boards of Health, with copious Notes and Tables. By CUTHBERT W. JOHNSON, Esq. Barrister-at-Law, Chairman of the Croydon Local Board of Health. Charles Knight, Fleet-street. 1852.

THIS little volume constitutes a useful compendium of sanitary regulations, and it ought to be in the hands of all members of local boards of health, town councils, and all others interested in such matters. It contains, besides the Acts and practice noticed in the title, various information in appendices as to mortgages, water-rates, highway-rates, value and uses of sewage and drainage water, &c. The Public Health Act, we observe, has now been applied to 134 districts or towns. With regard to the cost of applying the Act, and the control of the Central Board when so applied, very erroneous notions appear to prevail, and to aid in obviating these, and in promoting the extension of so useful an Act throughout the country, we will here quote from Mr. Johnson's remarks on these points:—

"With regard to the cost of applying the Public Health Act. The average expense by Order in Council has not been found to exceed 83*l.* By Provisional Order, which requires to be afterwards confirmed by the annual confirming Act of Parliament, the average cost has not exceeded 121*l.* Let my readers contrast this expense with that of an ordinary Act for the improvement of a town, the average taxed costs of which (in the House of Commons only). In 1849 and 1850, amounted to 2,042*l.* 6*s.* 2*d.*; the least expensive (Brighton) being 1,307*l.* and the most costly (Bilston) 3,463*l.*

An opinion is sometimes entertained, that when the Act is applied to a district, thenceforward that district becomes completely under the direction and control of the General Board of Health at Whitehall. It is of great importance that it should be well understood that this is a baseless conclusion. It will be found in practice that the Act must be applied for under sec. 8, in a petition signed by at least one tenth of the inhabitants. On this petition being received by the General Board, an inspector is appointed; and if, after a careful survey and publicly hearing evidence, his report is favourable, an Order in Council or a Provisional Order is issued, under which (provided the Provisional Order is confirmed by Parliament) authority is given, under sec. 12 of this Act, for the ratepayers to elect a Local Board of Health from amongst themselves.

Now, when the Local Board is thus formed, to that board almost all power and authority are committed. Its members may see fit to carry out vigorously and conscientiously the public objects of this Act: they may raise by rates, or by mortgage of these rates, sufficient money to satisfy the sanitary demands of the electors, or they may be a timid or a too parsimonious board: they may meet, debate, but do nothing that involves an outlay of any money on permanent improvements. In such a case there is no remedy but for the ratepayers to elect more useful members of their board.

All the controlling powers are introduced to guard against errors or abuses: they are all, moreover, powerless as regards commencing any operation: they are only available against corrupt or erroneous practices and misreadings of the Act.

It will be seen, then, that the Act, so far from enforcing a system of centralisation, as it is sometimes urged, merely ensures a full, uniform, and

efficient system of sanitary improvement by a willing local board; and that, in practice, the invaluable office of the General Board is to collect information, to condense and test the value of the practical knowledge it acquires, to diffuse that knowledge amongst, and to counsel and aid, local boards in their sometimes rather difficult labours. A considerable experience as chairman of one of the first and most efficient local boards elected under the Act, warrants me in the assurance that we have on many important occasions felt the value and advantage of having the power to refer for counsel and support to the General Board of Health."

Miscellaneous.

THE SHOP SUN-BLIND NUISANCE.—As will be seen by reference to the very useful "Guide to the Proper Regulation of Buildings," by Mr. Hosking, pp. 13, 14, the London Commissioners of Pavements are authorized, but unfortunately not required, by the statute (57 Geo. 3, c. 29), commonly called Michaelangelo Taylor's Act, to regulate or remove all such things as are "inconvenient or incommodious to any passengers along the carriage or foot ways of any of the streets," &c. It so happens, however, that many of these commissioners of pavements are the very men who commit the nuisance in question: *hinc illa lacryma.* Thirty years' continuance of it in the face of such authorization shows pretty clearly that however excellently well commissioners of pavements may be able to carry out the principle of self-government, they require some central stimulus to move them where their own self-interest or convenience induces them not to move. As remarked by Mr. Hosking, they are sharp in vision where poor hucksters stop the public way, while interfering with their shopkeeping interests. Something really must be done to get rid of the abominable nuisance of shop sun-blinds. This is a nuisance which prevails in towns throughout the whole country. The Act, however, which we lately quoted, namely, 10 & 11 Vict. c. 89, applies to such towns, &c. as have or shall have an Act incorporating this one, and in it, therefore, some towns have, or may have, their remedy; but it appears that Michaelangelo Taylor's Act is that on which London in the meantime can alone rely,—an Act which in this respect has for thirty years remained a dead letter. It is for the London public to say, then, whether they will "require" their pavement commissioners to do what that Act only "authorises" them to do,—namely to insist on the abatement of the shop sun-blind nuisance.

ECONOMICAL INCREASE OF POWER AND SPEED.—On Saturday week an exhibition of a mechanical application to hydraulic and steam-engines invented by Mr. J. Nye, for the purpose of increasing power in machinery without increasing the power of the prime mover, took place at Mill-pond Wharf, Surrey Canal, in the presence of several eminent engineers who were specially invited. We had also an invitation, but could not attend. We learn, however, that Mr. Braidwood and staff, with a picked engine from the West of England Fire-office, attended to test the invention as applied to pumps, with the following results:—Twenty-five men at the West of England engine, throwing respectively 1½ inch and 1½ inch columns of water, are said to have been beaten by eighteen men at Nye's patent engine. The invention was also shown as applied to a steam-engine of six horses' power, and with a piston working a 6-inch stroke, which is said to have produced a 15-inch throw of the crank in the same time and with less power than would be required to produce a 3-inch throw of the crank upon the old principle. The invention applied to a pile-driving engine, is said to be capable of yielding seven blows of the monkey struck with the same power and in the same time that the machines hitherto constructed perform one blow.

ST. GEORGE'S, HANOVER-SQUARE.—COMPETITION.—The first premium for plans for the St. George's, Hanover-square, Workhouse, is awarded to Messrs. Webb and Ashdown, and the second premium to Mr. Blore.